

1 long?

2 A. Well, in that particular program, I've been
3 in the program for sixteen years.

4 Q. In your Declaration, Trinity Exhibit 22 on
5 Page 2, Paragraph 5, you have a breakdown of topics.
6 How did you proceed to prepare that breakdown, what
7 did you do?

8 A. Specifically, I worked with counsel to
9 review and get the numbers of each of those topics in
10 terms of how many topics had been presented on
11 Channel 45 during a given period of time.

12 Q. You worked with Mr. Honig?

13 A. Yes.

14 Q. Did you and he sit down together to work it
15 out?

16 A. Yes, yes.

17 Q. Who actually made the count, for example,
18 that home schooling was discussed or mentioned 14
19 times? Did you make that count or did he make that
20 count?

21 A. He made the count.

22 Q. He made that count?

23 A. Yes.

24 Q. Were you there when he made it?

25 A. Yes.

1 Q. Were you and he when he made that count
2 looking at the document which has been identified as
3 Trinity Exhibit 23?

4 A. Yes.

5 Q. Did you or he keep a tally sheet or any
6 kind of running record as you were making the count?

7 A. He did.

8 Q. He did?

9 A. Yes.

10 Q. What happened to that tally sheet?

11 A. Well, he would have to answer that. I was
12 a part of the discussion on the issues.

13 Q. When did you and he do this?

14 A. Well, some time ago, before he went to
15 Washington.

16 Q. Which would have been when, in the month of
17 August?

18 A. Quite frankly, I don't remember the date.
19 I don't want to venture to say because I don't
20 remember the date.

21 Q. Let's try to get it by month, what month?

22 A. Let's see, this is September. It would
23 have been in August.

24 Q. It would have been in August?

25 A. Yes.

1 Q. Let me get the picture of the circumstances
2 under which that tally was prepared. You and he were
3 at the same desk or an adjoining desk in the same
4 room?

5 A. A table, yes.

6 Q. Are where was this?

7 A. In his office.

8 Q. In his office?

9 A. Yes.

10 Q. How long did it take you and he working
11 together to make the tally on the breakdown that
12 appears?

13 A. Well, I couldn't give you the exact time,
14 Counsel, on that because of the fact that we
15 discussed many issues. This was not the only issue
16 that we're discussing.

17 Q. Are you able to tell me now, and I'm going
18 to pick one of these items for illustrative purposes,
19 I'm going to pick the one that is next to last on
20 Page 2, Broward County Schools Magnet Program.

21 A. Right.

22 Q. Are you able to tell me now where you found
23 that particular program?

24 A. Well, I don't want to give you the document
25 because I was - did not necessarily know the topic of

1 the document, but I do know that I was reviewing
2 these programs for education.

3 Q. These programs that you -- You were
4 referring to Trinity Exhibit 23?

5 A. Yes.

6 Q. When you and he made this breakdown, did
7 you have the document that is now Trinity Exhibit 23
8 in front of you?

9 A. Well, I want to say that -- I'm assuming
10 that it was the same document. It was a document
11 that definitely discussed different types of
12 programs.

13 Q. Let me test it further.

14 A. Okay.

15 Q. Would you turn to page 45 of Trinity
16 Exhibit 23. Let me explain to you, Mrs. McMillian,
17 how the page numbers happen to be there. I received
18 this document from Mr. Honig. It is as you see it as
19 I received it from him except I put the page numbers
20 in. Please don't grade my handwriting.

21 Now, at the bottom of Page 45, the program
22 Miami Praise the Lord, which is shown as L which
23 means a live program and which ran on one occasion on
24 May the 6th, 1988. I would ask you to read to
25 yourself the description of that program on Page 45

1 running over to Page 46.

2 Is that the program that is tabulated in
3 Paragraph 5 of your Declaration, that is Trinity
4 Exhibit 22 as Broward County Schools Magnet Program?

5 A. That is the one, yes.

6 Q. Now, did you actually see that program on
7 either of the occasions when it was broadcast?

8 A. No, I did not see that program.

9 Q. Everything you know about that program is
10 what is listed on Page 45 of Trinity Exhibit 23, Page
11 45 and 46?

12 A. That's right.

13 Q. Do you know Diane Carr?

14 A. No, I do not.

15 Q. Do you know whether Diane Carr is a black
16 person or a white person?

17 A. No, I do not.

18 Q. Do you know Regina Utterback?

19 A. No, I do not.

20 Q. Do you know the race of Regina Utterback?

21 A. No, I do not.

22 Q. Do you know Michael Utterback?

23 A. No.

24 Q. Then you don't know his racial
25 identification either?

1 A. No.

2 Q. Is that correct?

3 A. That's correct.

4 Q. Let me take another example, if I may, the
5 program that you have listed in Paragraph 5, Exhibit
6 22, as teaching reading. Do you know on your own
7 without assistance from me where that program appears
8 or if it appears in the exhibit, that is Exhibit 23?

9 A. Counsel, I'd love very much to be able to
10 tell you that but my memory does not hold up exactly
11 where.

12 Q. I beg your pardon?

13 A. My memory does not hold up exactly where it
14 is.

15 Q. Let's go back to Page 45, the Magnet School
16 Program in Broward County.

17 A. 45?

18 Q. Page 45.

19 A. Yes, okay.

20 Q. The indications on this document are that
21 that program had a duration of one hour 59 minutes
22 and 48 seconds. Let's say two hours if we may.

23 Do you know of any other television station
24 in the Miami or Fort Lauderdale area that broadcast a
25 program on magnet schools with the duration of

1 anything approaching two hours?

2 A. Well, now, that's a very broad assumption
3 on my part. I was trying to think through all the
4 stations that I knew that have dealt with magnet
5 programs.

6 Q. Have you ever seen a two hour discussion on
7 television on the magnet program?

8 A. Well, I was a part of a discussion that
9 went on for two hours or probably longer, but I don't
10 know whether it was played for two hours straight or
11 whether they broke it up in segments and that's with
12 our own Channel 17.

13 Q. Which is an educational channel?

14 A. Which is an educational channel, yes.

15 Q. Do you know any commercial station that has
16 had a two hour discussion on magnet schools in this
17 market in this area?

18 A. I cannot say that I can think of one at
19 this point.

20 Q. As you reflect on it, do you have a
21 recollection as to how long, what the duration of the
22 Channel 17 program was?

23 A. No, I cannot tell you because I do know
24 that the issue on magnet schools is a very sensitive
25 and a very long-standing issue and therefore, it has

1 been addressed many times and has been given much air
2 time on Channel 17.

3 Q. On Channel 17?

4 A. Yes.

5 Q. That is a noncommercial educational station
6 licensed to the Dade County School Board, is that
7 correct?

8 A. That's correct.

9 Q. You use in your Declaration in Paragraph 5
10 the term "home schooling". Does that refer to the
11 process by which a school aged child is instructed at
12 home by the parent or guardian?

13 A. Yes, it does.

14 Q. And is that legal in the State of Florida?

15 A. It is legal, yes.

16 Q. That is a permissible activity for parents?

17 A. Yes, it is.

18 Q. Does the State of Florida state or impose
19 any educational requirements that the parents are
20 expected to observe in home schooling?

21 A. Absolutely.

22 Q. And is this supervised by officials of Dade
23 County public school?

24 A. There are certain requirements that parents
25 must make in terms of developing and turning in a

1 report on what they do and how they're coming along
2 with the child, yes.

3 Q. Now, are you able to tell us or give us
4 your best estimate as to how many children in Dade
5 County receive home schooling?

6 A. Oh, boy. I did know that because I did - I
7 knew about that last year. I was just trying to
8 think through. I don't remember the exact number.

9 Q. Of course not, but give me your best
10 estimate.

11 A. The numbers were growing at one point. I
12 would say somewhere in the neighborhood of less than
13 500.

14 Q. Less than 500 families or children?

15 A. Well, children obviously.

16 Q. In Dade County?

17 A. Right.

18 Q. Do you know how many in Broward County?

19 A. No, I don't.

20 Q. You also use the term Christian schools.

21 A. Yes.

22 Q. Does that include the Roman Catholic
23 Parochial schools?

24 A. Yes, the nonpublic schools.

25 Q. When you refer to your Exhibit 5 as having

1 been mentioned on Channel 45, I would ask you if
2 Christian schools are legal in Dade County?

3 A. Well, of course they are.

4 Q. How many students attend nonpublic
5 Christian or Parochial schools in Dade County?

6 A. I don't know the exact number to that
7 obviously.

8 Q. Your best estimate.

9 A. My best estimate would be probably not much
10 more than ten or 20,000. That may not even be in the
11 ballpark because I'm accustomed to dealing with
12 public schools, obviously.

13 Q. Of course. Now, are you aware of any other
14 television station in Miami or Fort Lauderdale that
15 addresses the particular concerns of parents who send
16 their children to Christian schools or nonpublic
17 schools?

18 A. On a consistent basis?

19 Q. Yes.

20 A. Well, the reason that question is obviously
21 somewhat difficult to answer, you're straightforward
22 and I have no problems with that, is that the issue
23 of public versus nonpublic or Christian versus public
24 has been a real key issue particularly during the
25 republican administration when there was a thrust

1 toward the voucher system and schools of choice and
2 all of those very sensitive issues as it relates to
3 public education and, of course, its impact, its
4 overall impact on public education.

5 So, you know, I would have to say that it's
6 very key to the public schools that the Christian or
7 nonpublic schools are not - you know grow in the
8 sense that parents would not feel that they could
9 make choices and not allow all children the
10 opportunity for a free education.

11 Q. My question is, do you know any other
12 television station that devotes as much time to
13 Christian schools as Channel 45 does according to
14 your tabulation?

15 A. The reason I was making that point -- I was
16 about to finish.

17 Q. Go ahead.

18 A. I was trying to explain it. That's some of
19 the problem some of us have in education trying to be
20 sure everything is understood.

21 The reason I'm saying that is because of
22 the nature of the issue during the time it was being
23 discussed, many television stations all over the
24 country covered the issue ongoing, schools of choice,
25 magnet schools. You looked at 60 Minutes, you saw it

1 on national TV. Talk shows dealt with it.

2 So, during that period of time and from
3 time to time it still comes back up because it's
4 still an issue that is very much important to
5 everybody all over the country.

6 Q. Do you know of any other television
7 stations in Miami or Fort Lauderdale that covers home
8 schooling, the issue of home schooling to the extent
9 that Channel 45 does?

10 A. Well, obviously, the education channels
11 would and when I -- I cannot make a comparison. It's
12 very difficult and I understand your point and I
13 understand why you're doing it, but it's very
14 difficult to be pigeonholed, you know, into an answer
15 like Channel 45 is obviously the only one that does
16 that. I cannot say that because it depends on what
17 is going on at a particular time. That would mean
18 that other TV stations may do it even more than
19 Channel 45 if the issue is very hot and has been from
20 time to time.

21 Q. Let's focus on the 14 mentions of home
22 schooling in your breakdown in Paragraph 5 of your
23 exhibit.

24 A. Uh-huh.

25 Q. Did you see any of the programs in which

1 those 14 mentions occurred?

2 A. No, I did not.

3 Q. Did you see, to take the next category, any
4 of the programs in which there were a total of ten
5 mentions of opposition to sex or drug education?

6 A. No, I did not.

7 Q. Without going through it, step by step, did
8 you see any of the programs that are reflected in
9 Paragraph 5 of Exhibit 22?

10 A. Specifically, I did see two of them.

11 Q. Which two were they?

12 A. Okay. I saw the need for more parental
13 involvement with children. I saw one of those. I've
14 seen - that was teaching and reading. I saw that. I
15 saw part of it, so I saw two.

16 Q. Let me find that. Teaching and reading?

17 A. Right, teaching and reading is one. I saw
18 part of that and I said two, so I would count two
19 halves. The other half of one I saw was Dade County
20 Public Schools Listen to Children program. Because
21 I'm in and out, I did not do any consistent watching
22 of programs, but just kind of moving around in the
23 house and listening off and on.

24 Q. Would you turn to Page 31 of Trinity
25 Exhibit 23? Look, if you would, please, at the first

1 full paragraph, the program broadcast on the first
2 date November 16, 1990.

3 Is that the program that you saw that you
4 categorized as the "Listen to Children" program?

5 A. Yes.

6 Q. Do you know Clay Foster?

7 A. I cannot say that I know him, no.

8 Q. Do you know who he is?

9 A. No.

10 Q. Do you know Dr. Clifford Horvath?

11 A. I don't know them, no.

12 Q. Do you know Nedda Horvath?

13 A. No.

14 Q. Were any of those three people identified
15 here as participants in that program an African
16 American person or do you recall?

17 A. You know, I must tell you I really don't
18 recall. That was several years ago and I don't want
19 to tell you something that isn't true.

20 Q. Now, did you watch the entire two hour
21 program?

22 A. No, I did not. I had the television on and
23 I was moving throughout the house and I said that
24 earlier about both of the half shows that I listened
25 to and saw.

1 Q. Are you familiar professionally with the
2 Listen to Children program of the Dade County public
3 schools?

4 A. Yes, I am.

5 Q. Do you regard it as a worthwhile program?

6 A. Absolutely.

7 Q. Do you know any other television station in
8 Miami that has devoted two hours in to the discussion
9 of the Listen to Children program?

10 A. I'm not aware of anybody addressing that
11 program other than Channel 17.

12 Q. I beg your pardon?

13 A. Other than Channel 17, I'm not aware.

14 Q. You're certainly not aware of any
15 commercial station that has done that?

16 A. That's what I mean, I'm not aware. Not
17 only commercial, but any other than Channel 17.

18 Q. Would you look at Page 2 of Exhibit 23 and
19 I direct your attention to the program that is listed
20 at the bottom of the page as having been broadcast on
21 June the 3rd, 1991. You might want to look also at
22 Page 8 at the second full paragraph program broadcast
23 on June 29, 1991 which may be the same program. I'm
24 simply pointing out two places where it appeared.

25 I would ask you that that program as

1 described in either of those places is the program
2 that you have categorized in Paragraph 5 of your
3 Declaration as teaching reading?

4 A. I'm looking at 8.

5 Q. All right. Look at 8.

6 A. I'm looking at 8. It's more complete.
7 More descriptive, I should say.

8 Q. We're looking at Page 8, Exhibit 23, the
9 program June 29, 1991?

10 A. Yes, it is.

11 Q. That's the program you saw?

12 A. Yes.

13 Q. Did you see all of it?

14 A. No. I must reiterate to you that when I'm
15 turning on television in general, not just this
16 particular channel, I rarely sit down and just watch
17 it and I view educational programs, all of them,
18 whether 45, 17 or anybody else, kind of in and out,
19 you know, so I can got give you specific details
20 other than I remember seeing it and I remember the
21 issue being addressed.

22 Q. And you remember seeing at least part of
23 this program?

24 A. Right.

25 Q. And you agree, do you not, that Harold Ray

1 is an African American person?

2 A. I cannot agree with that. I do not know
3 Harold Ray.

4 Q. Do you remember seeing the moderator of
5 that program?

6 A. I'm not going to tell you that I do because
7 that would not be the truth. I don't remember, but I
8 do remember the program and you must remember that I
9 remember programs - educational programs by the name
10 of the program as opposed to the person, okay, that's
11 involved.

12 Q. Do you remember seeing Lonnie Tolbert on
13 that program?

14 A. No, I do not remember.

15 Q. Do you know Lonnie Tolbert?

16 A. No.

17 Q. Do you know Verdell Tolbert?

18 A. No, I do not.

19 Q. Would you read over briefly just to
20 yourself the description of that program that appears
21 on Page 8 of Exhibit 23?

22 A. I've done that already.

23 Q. You've done that?

24 A. Yes.

25 Q. Does that strike you as a worthwhile

1 program?

2 A. Yes. And may I put a caveat in there, when
3 I say the programs, not only this one, but the other
4 educational program that you asked me about, it
5 simply means that it may be appropriate for some
6 children because we generally - you know, I don't
7 want to give the impression that I'm saying that.
8 It's a worthwhile program for everybody in that it's
9 solid because I did not know that. I did not have an
10 opportunity to value the programming.

11 Q. This synopsis appearing on Page 8 of 23
12 doesn't suggest it is a program intended for
13 children, rather it suggests it is a program for
14 adults teaching about children?

15 A. I understand that and I just want to be
16 clear on my point.

17 Q. Now, have we discussed all of the occasions
18 when you watched any of the programs that are
19 identified in Paragraph 5 of your Declaration or is
20 there one remaining?

21 A. No. I told you that I had seen two and I
22 told you two one halves and one full, one off and on,
23 but I also told you that I was moving throughout the
24 house.

25 Q. Have we identified all of those that you

1 have seen in whole or in part?

2 A. Yes, yes.

3 Q. Would you look at Page 12 of Exhibit 23 and
4 I'm going to direct your attention to the program
5 broadcast on March 1, 1991 at 11:30 AM. It's the
6 second full paragraph.

7 I realize you did not see the program, but
8 I want to ask you to read to yourself, if you will,
9 the description of the program that appears.

10 A. All right.

11 Q. Does that strike you as a program that is
12 worthwhile dealing with an important issue, whether
13 or not you agree with what may have been the opinions
14 expressed?

15 A. Absolutely. It is an issue that was
16 discussed or has been discussed as a strategy but
17 dealing with youth.

18 Q. Do you know Pastor Isaiah Williams?

19 A. No, I do not.

20 Q. Do you know Gloria Williams?

21 A. No, I do not.

22 Q. Do you no Fairest Hill?

23 A. No, I did not.

24 Q. Do you know the organization called Youth
25 On The Move, Inc?

1 A. No, I do not.

2 Q. When your Declaration at Page 3, the next
3 to the last line, you use the term "Spanish surnamed
4 person", now, I want to direct your attention to Page
5 21 of Trinity Exhibit 23, the last line, the name
6 Avello appears there. Do you have a reaction as to
7 whether that is a Spanish surname or not?

8 A. I would not have categorized it as such.

9 Q. Would you look at Page 22 of Exhibit 23,
10 the program that is in the third paragraph there
11 broadcast on March the 12th, 1990. I'll ask you if
12 that's the program that you refer to in Paragraph 6
13 of Exhibit 22 about halfway through that paragraph
14 when you refer to the only two representatives of
15 secular black organizations, the Broward Urban League
16 and the Links.

17 When you made that reference, was the
18 programming on Page 22 of Exhibit 23 what you had in
19 mind?

20 A. I remember looking at that, yes.

21 Q. That was what you had in mind?

22 A. Yes.

23 Q. Would you look through and familiarize
24 yourself with the description of the program on Page
25 22 of Exhibit 23 broadcast on March 12.

1 A. Yes, I would.

2 Q. You agree, do you not, that that program
3 from what you learn about it from this description
4 addressed an issue of importance from the area of
5 education and schools?

6 A. Yes.

7 Q. Would you look at Page 29 of Exhibit 23. I
8 want to direct your attention to the second full
9 paragraph, the program broadcast on July 9, 1990 at
10 12:30 p.m. and I will ask you if that is the program
11 you categorized as music therapy at the top of Page 3
12 of your Declaration which is contained in Exhibit 22?

13 A. Yes.

14 Q. Would you just read that over, please.
15 Perhaps making a teacher's correction in your mind of
16 the word podiatric which we may take it should be
17 pediatric.

18 A. Except that it may come from podiatrist.

19 Q. I thought of that.

20 A. You don't think that's the form?

21 Q. Do you think that's what it is?

22 A. I was thinking that. I didn't want to say
23 without looking it up.

24 Q. You're the teacher.

25 I'm asking if you have read the

1 description?

2 A. Yes, I have.

3 Q. You would agree, would you not, that that
4 program addresses an issue of importance in the area
5 of education and school?

6 A. Of course, yes.

7 Q. Would you look at Page 37 of Trinity
8 Exhibit 23 the last program on the page on January
9 11, 1989, and I'll ask you to read that description
10 and ask if you can tell me whether that program is
11 identified anywhere in your list in Paragraph 5 of
12 your Declaration.

13 A. The need for more discipline in the
14 schools.

15 Q. That's the program that is listed on Page 2
16 of your Declaration that is in Paragraph 5 in the
17 category of need for more discipline in schools?

18 A. Right.

19 Q. And as you read the description of the
20 program, did it not appear to you that the program
21 did address an issue of importance in Dade County?

22 A. Yes.

23 Q. Mrs. McMillian, I would like to direct your
24 attention now to another exhibit in this proceeding.
25 It is Trinity Exhibit 20.

1 I'm going to let you use my copy and I'm
2 going to use the reporter's copy and again, we have
3 the same technique of pagination. I did the
4 pagination.

5 Would you look at Page 2, the program at
6 the top broadcast on February 13, 1989. That is the
7 program, is it not, that you referred to in Paragraph
8 7 of your Declaration as the program on which
9 Mr. Gallegos appeared. We're not in the list of
10 programs. I directed your attention to Paragraph 7
11 of your exhibit which is on Page 4.

12 A. I understand that. I'm looking at that.
13 I'm looking for my Page 4, yes.

14 Q. Do you know Mr. Gallegos?

15 A. No, I don't.

16 Q. At the time this program was aired which
17 was in February of 1989, there was, was there not, a
18 controversial issue in Dade County as to whether or
19 not there should be an English Only Ordinance?

20 A. Yes.

21 Q. Or more specifically as to whether or not
22 the English Only Ordinance should be repealed?

23 A. Yes.

24 Q. Can you tell from looking at this program
25 description whether the program dealt with the

1 county's English Only Ordinance or with an amendment
2 or proposed amendment to the State of Florida
3 constitution, is it clear to you which it is?

4 A. Well, obviously, it mentions in Dade
5 County.

6 Q. Does it not appear to you that the focus of
7 that program was on the English Only Ordinance in
8 Dade County and not on Amendment 11 or an amendment
9 to the state constitution or perhaps it's just not
10 clear to you?

11 A. Yeah, I wouldn't necessarily know that from
12 that.

13 Q. In any event, and I realize this is
14 repeating, you did not see this particular program?

15 A. No.

16 Q. Did you discuss that program with
17 Mr. Honig?

18 A. Oh, yes.

19 Q. Was it Mr. Honig that told you that on that
20 program three of the four participants were in favor
21 of the English Only and one Mr. Gallegos was opposed
22 to that?

23 A. No. I knew that from reviewing the
24 program.

25 Q. Would you look at Page 3 of Exhibit 23, the

1 next page. Directing your attention to the program
2 of some 56 minutes in length on February 22, 1989,
3 the second full paragraph on that page, would you
4 briefly look at that program?

5 A. Okay.

6 Q. Do you agree that that program from the
7 description of it here addressed an issue of
8 importance in the area of discrimination or in the
9 area of ethnic and minority groups?

10 A. In the area of ethnic and minority groups.

11 Q. Would you look at Page 4 of Exhibit 20, the
12 program on January 26, 1988. I ask you to review
13 that one with some care while I go over it with you.

14 A. Okay.

15 Did you ask me a question?

16 Q. Not yet.

17 My question is going to be, first of all,
18 I'd be correct, would I not, in assuming that you
19 agree with the statement expressed in the last
20 sentence where a chief of police is identified as
21 believing that these groups, which are described
22 above, are very dangerous and should be taken
23 seriously.

24 I take it you would agree with the chief of
25 police?